

EXHIBIT C

12
13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
14
15 VIDEOTAPED DEPOSITION OF UBER TECHNOLOGIES, INC.
16 30(b)(6) REPRESENTATIVE - RANDY HAIMOVICI
17 San Francisco, California
18 Thursday, December 21, 2017
19 Volume I
20
21 REPORTED BY:
22 REBECCA L. ROMANO, RPR, CSR No. 12546
23 JOB NO. 2779670
24
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1 gave me an example of how they are used. He 10:13:46
2 described the purpose. And -- and mentioned that
3 based on his knowledge, they were only used by
4 people in the security department.

5 Q. When you say that you discussed with 10:14:04
6 Mr. Gicinto how nonattributable devices are used,
7 what did he say in terms of how they were used?

8 A. In the same way I just described.

9 Q. Okay. Nothing addition- -- nothing
10 beyond what you've already -- 10:14:15

11 A. Not that I recall.

12 Q. Okay. And in terms of discussing the
13 purpose of using nonattributable devices, did he
14 say anything further than what you've already
15 provided? 10:14:23

16 A. Not that I recall. It was just basically
17 what I told you.

18 Q. You said you spoke with Eric Meyhofer?

19 A. I did.

20 Q. What you did and Eric Meyhofer discuss? 10:14:34

21 A. So Eric and I talked about use of
22 nonattributable devices. And he confirmed that
23 they are not used by ATG. As I'm sure you know,
24 he's the head of ATG.

25 We talked about the use of ephemeral 10:14:47

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1 communications, and he confirmed that his use of 10:14:50
2 ephemeral communications were limited to social
3 reasons almost exclusively, but that there are
4 times when he's talking about performance issues
5 for employees, where he's used it, that he's never 10:15:03
6 used ephemeral communications to discuss anything
7 related to this case.

8 That he has an understanding of what and
9 how the attorney-client privilege should be used.
10 And he's adhered to the knowledge he was given and 10:15:18
11 the training he was given.

12 Q. And in your conversations with
13 Mr. Meyhofer, were you talking about his use
14 specifically or ATG more generally?

15 A. His use specifically -- well, when you 10:15:33
16 say "use," just tell me what you mean.

17 Q. So let me -- let me break it down.

18 A. Okay.

19 Q. So for -- for nonattributable devices,
20 you said that Mr. Meyhofer told you that they're 10:15:42
21 not used by anyone in ATG; is that right?

22 A. That's correct.

23 Q. Okay. When you were talking about
24 ephemeral communications, did you discuss with
25 Mr. Meyhofer whether they are used by others in ATG 10:15:50

1 business. 11:27:57

2 Q. As of when?

3 A. Same -- same time, the September time
4 frame. I don't remember the exact date, but in the
5 same time frame we have been discussing. 11:28:04

6 Q. Okay. So prior to this policy change in
7 September 2017, it was permissible for Uber
8 employees to use Telegram for business purposes?

9 A. I don't know if I'd say it that broadly.
10 It was used, and I -- I think it was authorized. 11:28:17

11 Q. Okay. WickrMe, you said that was a
12 non-enterprise version?

13 A. That's right. WickrMe.

14 Q. WickrMe. Okay.
15 That's a non-enterprise version of Wickr, 11:28:31
16 correct?
17 A. As stated, yes.

18 Q. Okay. And it is not -- is that -- is use
19 of WickrMe currently permitted for business
20 purposes? 11:28:41

21 A. No.

22 Q. Okay. Prior to September 2017, was use
23 of WickrMe permitted for business purposes?

24 A. For some businesses purposes, yes.

25 Q. When you say, "for some business 11:28:52

1 purposes," were there specific business purposes it 11:28:53
2 was --
3 A. I don't know if they were specific, but I
4 know people on the security team used it.
5 Q. Was there any guidance provided to 11:29:02
6 employees about when it was appropriate to use
7 WickrMe for business purposes?
8 A. Well, there was -- there's guidance on
9 when not to use it and -- but it doesn't just apply
10 to WickrMe. It applies to all chat applications. 11:29:16
11 And the guidance was not to use it to discuss
12 topics that are subject to a litigation hold.
13 Q. And that was a guidance for all chat
14 applications --
15 A. Yes. 11:29:31
16 Q. -- is that what you said?
17 And so that, that guidance to not use
18 these chat applications for subjects covered by a
19 litigation hold, that would really only come into
20 play once there was some reason to have a 11:29:49
21 litigation hold --
22 A. That is correct.
23 Q. -- correct?
24 Okay. So, for example, the -- Uber
25 acquired Otto well before this lawsuit was filed. 11:29:59

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1 look at the bottom of Exhibit 9729 -- 11:38:55

2 A. Okay.

3 Q. -- the paragraph that says, "Uber Chat

4 Applications are the following" --

5 A. Yes. 11:39:05

6 Q. -- and does that list uChat and

7 Google Hangouts as authorized chat applications?

8 A. Well, it -- it -- it identifies them in

9 there, and then it talks about them on the next

10 page. But, yes. 11:39:18

11 Q. And this paragraph says that, "All other

12 chat applications, including but not limited to

13 Wickr, Telegram, Signal, WeChat, and Snapchat, are

14 not Uber Chat Applications and employees are

15 prohibited from using these for business 11:39:28

16 communications," correct?

17 A. That is correct as of the date this

18 policy went into place in September, true.

19 Q. And prior to this date, employees were

20 not prohibited from using any of -- any of those 11:39:41

21 communications applications listed there?

22 A. Well, except for the fact they were

23 prohibited from using them if they wanted to talk

24 about things that were subject to a litigation

25 hold. 11:39:53

1 only when appropriate.

02:41:14

2 Q. Did you ask him about any training that's
3 been provided to the ATG group about
4 attorney-client privilege designations?

5 A. I didn't because I don't -- I don't know 02:41:23
6 that he would know about that. I did not.

7 Q. If we go back to Topic 2 -- and I don't
8 know if you want to get it in front of you or
9 not --

10 A. Right.

02:41:42

11 Q. -- but it asks about defendants' use
12 of -- use of methods or strategies to conceal facts
13 from discovery by external parties and litigation
14 or government investigations.

15 And then it lists, including improper 02:41:50
16 attorney-client and other privileged designations,
17 ephemeral or encrypted communications,
18 nonattributable devices or anonymous servers.

19 In preparing for your testimony today,
20 did you ask anybody about other methods or 02:42:07
21 strategies to conceal facts from discovery by
22 external parties?

23 A. I focused on the ones you identified.

24 Q. So in your discussions with Mr. Meyhofer,
25 you didn't ask him whether there are other methods 02:42:22

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1 or strategies that the ATG group uses to conceal 02:42:25
2 facts from discovery by external parties?

3 A. I didn't feel the need to ask him because
4 it was clear in my discussion with him that any
5 attempt to conceal information from discovery in 02:42:36
6 litigation was unacceptable.

7 Q. Who said that, you or him?

8 A. That's my summary of our discussion. I
9 didn't feel the need to ask him, was there anything
10 else other than the three things identified in your 02:42:50
11 notice. Because in whatever words he used, he made
12 it clear to me that doing so would be unacceptable.

13 Q. So he told --

14 A. Regardless of methodology.

15 Q. And when you spoke with Mr. Gicinto, did 02:43:00
16 you ask him about the use of methods or strategies
17 to conceal facts from discovery other than those
18 specifically outlined in the topic?

19 A. Not in way you are phrasing it, no. I
20 don't recall that coming up. 02:43:15

21 Q. I'm sorry, I don't understand what you're
22 saying, not in -- not in the way you're phrasing
23 it.

24 A. I didn't discuss that topic with him the
25 way you phrased it in your question. 02:43:23

1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

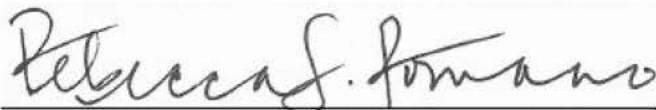
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath;
8 that a record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: December 22, 2017

22

23

24 Rebecca L. Romano, RPR,
25 CSR. No 12546